



MARY E. MULLIGAN
mmulligan@fklaw.com
212.833.1123

February 1, 2023

BY ECF

The Honorable J. Paul Oetken
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 201
New York, NY 10007

Re: *SEC v. Hwang et al.*, No.: 22-cv-03402 (JPO) (the “SEC case”)
- and -
CFTC v. Archegos Capital Management, L.P. et ano.,
No. 22-cv-3401 (JPO) (the “CFTC case”)

Dear Judge Oetken:

This firm represents defendant Patrick Halligan in the above-referenced actions. We write to join defendant Sung Kook (Bill) Hwang’s request for oral argument on the defendants’ motions to dismiss in the SEC case. (ECF No. 91 in 22-cv-3402.) We also write to request oral argument on the motions to dismiss the CFTC case.¹

In the SEC case, the briefing on Mr. Halligan’s motion to dismiss reveals that he and the SEC have starkly divergent views on the scope and reach of the federal securities laws, as well as the implications of recent Supreme Court and Second Circuit authorities on the SEC’s claims against Mr. Halligan. In the CFTC case, Mr. Halligan’s motion to dismiss raises substantial and important questions regarding the CFTC’s jurisdiction.

Given the legal complexity and significance of these issues, we respectfully submit that oral argument will provide a forum for the parties to elaborate on and clarify arguments, and to address any questions that Your Honor may have related to the substantial briefing before the Court. In view of the overlapping (but not identical) parties and issues in the SEC and CFTC cases, we respectfully suggest that a single argument date in both cases may be most efficient for the parties and the Court, although we of course will proceed however the Court prefers.

Finally, should the Court be inclined to grant argument, we are prepared to work with all parties to coordinate on a mutually convenient argument date. Presently, I will

¹ In the SEC case, the defendants’ motions are now fully briefed. In the CFTC case, the defendants will be filing their reply briefs on February 6, 2023.

The Hon. J. Paul Oetken

- 2 -

February 1, 2023

be traveling out of town and unavailable on the following dates: February 8 – 16; February 24 – March 3; March 10 – 17. I am also unavailable on March 21 due to another court appearance.

We thank the Court for its consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mary Mulligan", with a stylized flourish extending to the right.

Mary E. Mulligan

cc: All Counsel (by ECF)